

**Introduced by Senator Burton**

February 17, 1998

---

An act to add Section 637.7 to the Penal Code, relating to privacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1667, as introduced, Burton. Privacy: electronic tracing device.

Existing law prohibits the invasion of privacy by electronic devices, as specified.

This bill would, in addition, make it a misdemeanor for any person or entity in this state to use an electronic tracking device, as defined, to determine the location or movement of a person. The bill would not apply to the lawful use of an electronic tracking device by a law enforcement agency. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that  
2 the right to privacy is fundamental in a free and civilized  
3 society and that the increasing use of electronic  
4 surveillance devices is eroding personal liberty. The  
5 Legislature declares that electronic tracking of a person's  
6 location without that person's knowledge or permission  
7 violates that person's reasonable expectation of privacy.

8 SEC. 2. Section 637.7 is added to the Penal Code, to  
9 read:

10 637.7. (a) No person or entity in this state shall use an  
11 electronic tracking device to determine the location or  
12 movement of a person.

13 (b) This section shall not apply to the lawful use of an  
14 electronic tracking device by a law enforcement agency.

15 (c) As used in this section, "electronic tracking  
16 device" means any device attached to a vehicle or other  
17 movable thing that reveals its location or movement by  
18 the transmission of electronic signals.

19 (d) A violation of this section is a misdemeanor.

20 SEC. 3. No reimbursement is required by this act  
21 pursuant to Section 6 of Article XIII B of the California  
22 Constitution because the only costs that may be incurred  
23 by a local agency or school district will be incurred  
24 because this act creates a new crime or infraction,  
25 eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section  
27 17556 of the Government Code, or changes the definition  
28 of a crime within the meaning of Section 6 of Article  
29 XIII B of the California Constitution.

30 Notwithstanding Section 17580 of the Government  
31 Code, unless otherwise specified, the provisions of this act  
32 shall become operative on the same date that the act  
33 takes effect pursuant to the California Constitution.